

EDMONDS CITY COUNCIL APPROVED MINUTES

May 22, 2012

Following a reception at 5:30 p.m. in honor of Councilmember Michael Plunkett, the Edmonds City Council meeting was called to order at 6:30 p.m. by Mayor Earling in the Council Chambers, 250 5th Avenue North, Edmonds. The meeting was opened with the flag salute.

ELECTED OFFICIALS PRESENT

Dave Earling, Mayor
Strom Peterson, Council President
Frank Yamamoto, Councilmember
Joan Bloom, Councilmember
Michael Plunkett, Councilmember
Lora Petso, Councilmember
Adrienne Fraley-Monillas, Councilmember
Diane Buckshnis, Councilmember

ALSO PRESENT

Alex Springer, Student Representative

STAFF PRESENT

Gerry Gannon, Assistant Police Chief
Stephen Clifton, Community Services/Economic Development Director
Phil Williams, Public Works Director
Shawn Hunstock, Finance Director
Carrie Hite, Parks & Recreation Director
Carl Nelson, CIO
Frances Chapin, Cultural Services Manager
Cindi Cruz, Executive Assistant
Rob English, City Engineer
Jeff Taraday, City Attorney
Sandy Chase, City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

1. APPROVAL OF AGENDA

Mayor Earling requested the addition of a 30-minute executive session regarding potential litigation with no action following as Agenda Item 11.

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, TO APPROVE THE AGENDA AS AMENDED, ADDING A 30-MINUTE EXECUTIVE SESSION REGARDING POTENTIAL LITIGATION AS AGENDA ITEM #11. MOTION CARRIED UNANIMOUSLY.

2. APPROVAL OF CONSENT AGENDA ITEMS

Councilmember Petso requested Items B and F be removed from the Consent Agenda.

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCIL PRESIDENT PETERSON, TO APPROVE THE REMAINDER OF THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:

A. ROLL CALL

C. APPROVAL OF PAYROLL DIRECT DEPOSIT AND CHECKS #51350 THROUGH #51364 FOR \$438,950.90 AND BENEFIT CHECKS #51365 THROUGH #51372 & WIRE PAYMENTS FOR \$188,234.95 FOR THE PERIOD MAY 1, 2012 THROUGH MAY 15, 2012.

D. ACKNOWLEDGE RECEIPT OF A CLAIM FOR DAMAGES FROM RICK COLGAN (\$1,081.53).

E. RESOLUTION NO. 1276 – THANKING COUNCILMAN MICHAEL PLUNKETT FOR HIS SERVICE TO THE EDMONDS CITY COUNCIL

ITEM B: APPROVAL OF CITY COUNCIL MEETING MINUTES OF MAY 15, 2012.

Councilmember Petso explained she pulled this item so that she could abstain from the vote to avoid any appearance that she may be attempting to interfere with the written record of the proceedings.

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS-, TO APPROVE ITEM B. MOTION CARRIED (6-0-1), COUNCILMEMBER PETSO ABSTAINED.

ITEM F: RESOLUTION ON FOOD SERVICE WARE.

Public Works Director Phil Williams explained the resolution instructs City staff to do everything possible to eliminate the use of polystyrene and other non-compostable food service ware in City operations. This applies to City-sponsored events only and does not apply to other users of City facilities. The resolution allows current stocks to be depleted; all new purchases will be compliant products. The resolution includes several exemptions for small single serve items such as ketchup packets.

COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCIL PRESIDENT PETERSON, TO APPROVE ITEM F, RESOLUTION NO. 1277.

Council President Peterson thanked staff for developing the resolution. This is an important step for the City to take the lead on another environmental initiative.

MOTION CARRIED UNANIMOUSLY.

3. PRESENTATION OF RESOLUTION AND PLAQUE TO COUNCILMAN MICHAEL PLUNKETT.

Council President Peterson highlighted several whereas clauses in Resolution 1276, thanking Councilman Michael Plunkett for his service to the Edmonds City Council for the past 14 years. Council President Peterson presented the resolution and a small gift to Councilmember Plunkett.

Councilmember Plunkett thanked his wife Patty Corbin for giving him the opportunity to expand his horizons and adventures, explaining they plan to do a great deal of traveling. He recognized his granddaughter Merrin, daughter Megan, son-in-law Matt, sister Elise and several friends in the audience. Councilmember Plunkett commented he believed serving as a local City Councilmember was the most difficult political job; more difficult than Congress or the Legislature. City Councilmembers see the citizens they serve daily and in situations such as last night's closed record hearing, face their friends and neighbors. He was pleased with the Councilmembers who have been elected and was confident in moving on because of this City Council.

Councilmember Plunkett also thanked staff, commenting they have been the most professional people to work with. Edmonds frequently receives an award for being the friendliest town on Puget Sound; that is really because people come into City Hall and speak with Jana Spellman or Sandy Chase. Councilmember Plunkett thanked the citizens of Edmonds who have elected him five times. He will miss being with staff and the Council but before long, no one will remember him or other Councilmembers but they will appreciate things they did such as the waterfront, business-friendly things such as the lack of a B&O or square foot tax, cats and dogs spayed/neutered before adoption, the Historic Preservation Commission, the performing arts center, funds for Highway 99, the 76th Avenue walkway, preventing a casino on the waterfront, preventing the Brightwater sewage plant, and preventing taller buildings downtown.

Councilmember Plunkett recalled when he was first elected to the Council, then-Councilmember Earling invited him for coffee. Then-Councilmember Earling told him that although he just beat one of his best friends in the election, he would be fair to him and he would get the same respect the previous Councilmember received which proved to be the case. Dick Van Hollebeke was also on the Council at that time. Councilmember Plunkett recalled visiting the Mayor's office in 1997, telling the then-Mayor he was thinking of running for Council. The Mayor told him he couldn't run for Council; no one knew him and he didn't know anything about Edmonds. He ran for Council anyway and was elected. Councilmember Plunkett commented that though there have been positive and some difficult experiences, it has always been a pleasure serving the citizens of Edmonds.

Councilmember Plunkett added he always thought an elected official's job was to give to the community; in the end, the reality is that elected officials get more than they give.

Mayor Earling acknowledged having that conversation with Councilmember Plunkett many years ago, commenting as often happens, new Councilmembers become stars on their own. He thanked Councilmember Plunkett for his service, recalling they worked together on the Council for several years; it had been a pleasure working with him.

Councilmember Bloom thanked Councilmember Plunkett for his service, commenting she was disappointed she did not get to work with him longer.

Councilmember Yamamoto thanked Councilmember Plunkett, commenting he would continue to see Councilmember Plunkett this summer as they compete in softball.

Council President Peterson explained he ran against Councilmember Plunkett and was defeated, not realizing he could not win against one of the hardest doorbellers in Edmonds history. Although they disagreed on some issues, over the years they have agreed on many issues and he appreciated their ability to work toward a compromise. He recalled one of Councilmember Plunkett's most difficult votes was after 33 rounds of voting on a Council appointment, Councilmember Plunkett voted for him; without his vote he would not be on the Council. He expressed appreciation for Councilmember Plunkett's sense of humor, helping him learn how to run a Council meeting, and his straight forward attitude, commenting he always knew where Councilmember Plunkett stood on an issue.

Councilmember Buckshnis commented she was very scared when she first met Councilmember Plunkett. He asked her why she was scared and she responded it was because of who he was. She thanked Councilmember Plunkett for his wisdom and everything he has done for the City. The Council will miss his sense of humor and she appreciated all his help.

Councilmember Fraley-Monillas commented she and Councilmember Plunkett have had an interesting two years. They come from opposite sides of the political spectrum and enjoy pointing that out to each other occasionally. She will miss their cajoling regarding their political affiliations. She recognized Councilmember Plunkett for his stand on the Equal Marriage Act and his interest in supporting citizens' equal rights. The most important thing she learned from Councilmember Plunkett was he always thinks of the citizens first in making his decisions. She also appreciated his calm, common sense approach.

Councilmember Petso commented she did not remember much calm in the early days when the Council was fighting off Brightwater and involved in other issues. She enjoyed working with Councilmember Plunkett and will miss him on the Council. She offered to send him a photograph of the plumber's helper with the "No on Brightwater" sign on it.

Student Representative Springer appreciated the comments Councilmember Plunkett makes and recalled his willingness to participate in an agenda item by telephone when he was out of town which demonstrates how much he cares for the City.

Mayor Earling declared a brief recess to address a technical issue.

4. **PROCLAMATION IN HONOR OF EDMONDS PUBLIC WORKS WEEK MAY 28, 2012 THROUGH JUNE 1, 2012.**

Mayor Earling read a Proclamation in Honor of Edmonds Public Works Weeks May 28 – June 1, 2012. He presented the Proclamation to Public Works Director Phil Williams.

Mr. Williams invited the Council to the Public Works picnic on May 31 at 11:30 a.m. to celebrate National Public Works Weeks.

5. **AUDIENCE COMMENTS**

Al Rutledge, Edmonds, commented he first met Councilmember Plunkett when then-Mayor Barb Fahey and then-Councilmember Gary Haakenson held roundtable meetings that Councilmember Plunkett attended. Next Mr. Rutledge pointed out the closed record hearings regarding the Burnstead property took 8½ - 9 hours. He suggested the Council Comments agenda item occur at the beginning of the meeting. He commended the Council for their efforts regarding the Burnstead matter. He also announced the car show at Top Foods on July 14 to benefit the Edmonds Food Bank.

6. **EDMONDS STRATEGIC PLAN AND VISIONING RETREAT #5 (CITY COUNCIL, PLANNING BOARD AND ECONOMIC DEVELOPMENT COMMISSION)**

In addition to the elected officials and staff, the following were present for this item:

ECONOMIC DEVELOPMENT COMMISSIONERS

Don Hall
Darrol Haug
Rich Senderoff
Evelyn Wellington

PLANNING BOARD MEMBERS

Phil Lovell (Chair)
Valerie Stewart (Vice Chair)
Kristiana Johnson
William Ellis
John Reed

Community Development/Economic Development Director Stephen Clifton referred to information in the Council packet, 1) the Strategic Plan Preliminary Actions, Responsibilities and Performance Measures which was presented at the May 3 open house, and 2) Preliminary Plan Action Ratings Sheet and Survey Results, results from the 213 surveys/ratings that were completed since the May 3 open house. The packet also includes a chronology of significant events that have occurred throughout the process including the interviews conducted by Mr. Beckwith and his team, the 20 stakeholder meetings that occurred in January and February, the 5 surveys, 2 community charrettes, a youth charrette held at Edmonds-Woodway High School, and the May 3 open house. The survey rating sheets distributed at the open house have been posted on the City's website. He explained in addition to presenting information, tonight is intended to be a workshop that will engage Councilmembers, Economic Development Commissioners and Planning Board Members.

Mr. Clifton introduced **Tom Beckwith, Beckwith Consulting Group** who introduced **Eric Hovee and Steve Price, Beckwith Consulting Group**.

Mr. Beckwith explained the intent tonight was to reach decisions via a show of raised hands.

Councilmember Plunkett asked about the Council voting on items when the Council could be outvoted by other participants. City Attorney Jeff Taraday responded the Council could engage in that type of voting but the decisions would be non-binding because of the mix of advisory bodies and elected officials.

Mr. Beckwith clarified there are 72 questions on the survey conducted at the open house. Decisions to be made tonight include wording of questions on the registered voter survey, whether to include all 72 questions, whether to modify questions, etc.

Councilmember Plunkett asked if these were official City Council votes. Mr. Taraday observed there are seven Councilmembers and more than seven advisory members; therefore it is not the City Council voting. The Council should ask itself in what capacity it is acting. If Councilmembers are acting as the Council, they cannot mix that action with non-Councilmembers. Alternatively Economic Development Commissioners and Planning Board Members could vote first and their vote could inform the Council prior to the Council's vote. The type of vote being taken does not require any particular format or composition of voting members. The Council has a great deal of discretion regarding how to proceed.

Councilmember Plunkett relayed his understanding of Mr. Taraday's explanation; in this format the Council is making an advisory vote rather than an official recorded Council vote. Mr. Taraday agreed, explaining if more than the seven Councilmembers are voting, the voting body is not the City Council, it is something else. Mayor Earling clarified the votes tonight are purely advisory.

Mr. Beckwith identified the four agenda items in their presentation:

1. Strategic Plan – implementation process
2. May 3 open house survey – qualifications
3. Registered voter survey – process and options
4. May 3 open house survey – results and refinements

Strategic Plan Implementation

- **Considerations**
 - Responsibilities – a large number of the potential strategic plan actions will be assumed by parties other than the City (with City concurrence)
 - Financial Implementations – the 72 potential actions outlined in the survey will not compete for the same source of City funds – many of the potential actions will be accomplished by parties with funds other than the City
 - Rank order prioritization – it is not necessary, based on the above, to rank order the entire list assuming that there are not enough responsible parties or funds with which to implement all 72 potential actions were they all to be indicated to be of priority importance
 - Elimination – it is not necessary to eliminate an action if it scores a moderate to low priority if there is an interest group who is willing to implement the action without unduly using City funds or resources
- **Implementation process**
 - Responsibilities – determine who will be affected and therefore who should be included in implementing a proposed action
 - Assign lead role – determine who will be the lead agent(cies) who will be responsible for coordinating the work and parties necessary to complete a proposed action including agents other than the City
 - Schedule – organize the actions for each lead agent into a 6-year work program accounting for actions which can be accomplished immediately and those which will require longer, possibly ongoing, processes
 - Financing – budget the 6-year work program for each lead and supporting agent using non-City funds as well as City funds allocated from the Budgeting for Objectives (FBO) process
 - Performance – conduct annual performance measures to determine progress and consider whether proposed actions need to be refined to be effective

- Update – refine the Strategic Plan based on annual performance measurements and conduct a comprehensive reassessment at the end of 6 years prior to initiating an update to the Comprehensive Plan

May 3rd Open House – Results and Refinements

• **Survey Qualifications**

- Response – 89 people completed the survey at the open house or by mail afterwards; 114 person completed the survey on the internet for a total of 213 completed surveys
- Previous involvement – 45% of survey respondents had not participated in previous surveys, focus groups, or charrettes and therefore, formed their opinions based on the open house exhibits or their reading of the survey on the internet
- Source – 54% completed the survey online likely without benefits of the background exhibits or discussions with consultants or staff
- Representation – open house participants are not random representatives of the City at large or even of registered voters but of persons who were interested enough to attend the open house and/or complete the detailed survey
- Viewpoints – based on the written comments, survey participants reflected all opinions ranging from most positive to most negative
- Question design – a few questions had multiple subjects and need to be refined prior to being used in the registered voter survey

Registered Voter Survey –process and options

- Participants – randomly recruit by telephone (land line and cell) registered voters from the voter registration list to participate in the survey equal to at least twice the number of desired completions
- Background – post the survey and background in the “actions, responsibilities, and performance” document online for public review
- Distribution – depending on participant preference: a) mail a hard copy of the survey to be completed and returned by mail or b) send an email that provides access to the survey online
- Return – send reminder postcards or emails until the desired completion quota (600) is achieved or unless a time limit (3 weeks) has expired
- Notification – mail a letter or email informing all participants that the quota has been achieved or the time limit has expired and that the results will be posted online and reviewed by the Committee
- Content – options include: a) conducting the complete survey including all 72 refined questions; b) eliminating any unnecessary or redundant questions so long as the result remains useful to the strategic planning process and committee

Mr. Beckwith explained he uses GMA Market Research, one of the largest research firms in Washington. He does the survey design, collation and analysis. This is a public survey and is subject to Public Information Act requests. The registered voter survey is a controlled statistical response to test the public’s response to the proposals.

May 3 Open House survey – results and refinements

Mr. Beckwith began to review the 72 survey questions and the following comments were made by those in attendance:

- 72 questions are overwhelming
- This process is to decide on questions for the registered voter survey, not things that will ultimately be included in the final strategic plan. Mr. Beckwith agreed, the registered voter survey is to test whether the public shares these priorities
- Concern with compound questions in survey

- Suggest eliminating questions where a high percentage of respondents indicated it is a low priority (for example questions 3 and 7)
- Concern with the length of several questions and the number of issues addressed in each question. Suggest making the questions simpler, not using acronyms, and eliminating anything that is already in process and/or subject to public hearing such as Business Improvement Districts, Municipal Park District, etc.
- Disagree with eliminating anything that is already in process, need to gather input on Business Improvement Districts, Municipal Park District, etc.
- This a Strategic Plan for community action, not just for Council action
- Need to discuss the content and quality of questions

Mr. Price urged some caution in changing the wording of the questions too much as they had already been tested at the open house. If the questions were changed too much, they could elicit a different response in the registered voter survey than they did at the open house.

Mayor Earling suggested the group either, 1) acknowledge some of the material is challenging to read and review all 72 questions and vote to include, revise or delete the question, or 2) form a subcommittee with members of the Economic Development Commission, Planning Board and Councilmembers to review the questions and return with revised questions. Mayor Earling suggested asking the Chairs of the Planning Commission and the EDC and Council President to select people for assignment to a committee.

Comments and suggestions continued:

- Would have been preferable to have the questions before the meeting. Need time to review the questions
- Concern some questions are biased or leading. Mr. Pierce responded the source of the questions was the workshops, charrettes and one-on-one interviews. Some are biased because the suggestion was gleaned from community input
- Prefer to form a small group as Mayor Earling suggested to address the wording, bias and whether the question should be included
- Suggest Planning Board Members, City Council, and Economic Development Commissioners send questions to their representative on the committee
- If the questions are changed too much, they will not reflect input to this point
- Break compound thoughts into two questions
- Do not want to change the wording so much that it is disingenuous to the citizens who have already taken the survey
- This process was to refine the questions in the voter survey; not change the question but clarify, make it simpler
- Prefer this group review the questions and identify which ones need to be divided into two questions or simplified, clarified and those with bias
- The survey taker has the option to skip question if they feel they have insufficient knowledge
- Some questions could be eliminated such as #6 and #7 as those address uses that are currently allowed
- A professional is conducting the statistical survey, take their advice

Via a show of hands, there was agreement to form a six member Question Refinement Committee with two members each from the Planning Board, Economic Development Commission and City Council. Discussion followed regarding whether to return the refined questions to this group in two weeks, the strategic plan schedule and upcoming Council agendas. Mayor Earling requested the appointment of committee members be provided to Council President Peterson by close of business tomorrow. Questions will not be returned to this group before proceeding with the survey.

Mr. Clifton offered to have concerns, questions, comments sent to him and he would conduct any necessary research and forward them to the committee.

Mr. Beckwith pointed out four questions have been flagged for clarification. He suggested if there was uncertainty about whether to ask a question in the survey, it was better to ask it. He recommended focusing on how the question was framed and what it should achieve. Reducing the number of questions did not make a difference with regard to whether someone will participate in the survey.

To the criticism that the survey is too long, Mr. Clifton advised that of the 120 people who took the web based survey, 92% who started the survey completed it.

Mr. Beckwith advised the next retreat will be scheduled after the registered voter survey has been completed and the results analyzed and tabulated.

7. **AUTHORIZATION FOR MAYOR TO SIGN PROPOSED SUPPLEMENTAL AGREEMENT NO. 1 WITH PARAMETRIX FOR DESIGN SERVICES ON THE MAIN ST. (5TH AVE - 6TH AVE) IMPROVEMENT PROJECT.**

City Engineer Rob English recalled the Council had a presentation on the Main Street project improvements last week. The original design contract approved by Council in December 2011 included services for final design for contract specification, design plans, geotechnical report, cost estimates and acquiring temporary construction easements. The amount of the contract was \$188,957 which included a \$15,000 management reserve. During the design process over the past 8-9 months, the management reserve has been consumed on several additional work items which are listed in the agenda memo. The total extra work at this point is \$14,591, leaving less than \$500 in the management reserve.

Staff recommends including a bid alternate that would separate some of the base work from the bid schedule and ask the contractor to provide a separate price. That will provide the flexibility to award a contract of a lesser amount and keep the project within budget. Of the proposed supplement, \$3500 is related to completing that task. The additional item in the supplement is \$5000 to replenish the management reserve. He did not anticipate using that additional amount but felt it would be helpful to have available in case any problems arose. The total cost of the supplement is \$8500. Staff recommends approval. Staff will return in July or August with another supplement to this contract for design services during the construction phase.

COUNCIL PRESIDENT PETERSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO AUTHORIZE THE MAYOR TO SIGN PROPOSED SUPPLEMENTAL AGREEMENT NO. 1 WITH PARAMETRIX FOR DESIGN SERVICES ON THE MAIN ST. (5TH AVE - 6TH AVE) IMPROVEMENT PROJECT.

Council President Peterson thanked staff for bringing this to the Council's attention.

MOTION CARRIED UNANIMOUSLY.

8. **2012 FIRST QUARTER FINANCIALS**

Finance Director Shawn Hunstock explained the first quarterly report is too early to identify trends. He referenced the Revenues by Fund Summary (page 133 of the packet), explaining this table illustrates revenues for all budgeted funds in the City. The General Fund is at 16% of budget which is not a concern at this time because the largest revenue source, property taxes, is not received until May which is not reflected in the first quarter report. If property taxes are removed from consideration, the General Fund is at approximately 25% of budget.

Mr. Hunstock referenced page 135, Change in Fund Balance – Summary, explaining this illustrates the fund balance of all funds in the City. This includes every fund in the City; there are no other funds. A subtotal was added to this report, Total General Fund per CAFR. The City has historically reported

multiple funds in the CAFR as the General Fund as well as including items such as the Criminal Investigations Fund and the Emergency Financial Reserve Fund. With the implementation of some new accounting pronouncements in 2011, some funds no longer meet the definition of their own special revenue fund that now must be included in the caption of General Fund, specifically the Multimodal Transportation Fund and the Building Maintenance Fund. The beginning fund balance shown, \$9.5 million, is a combination of several different funds that it will tie with the City's audited financial statements.

Mr. Hunstock referenced page 137, Revenues – General Fund, pointing out liquor excise taxes will no longer be allocated to cities. The Department of Revenue estimates the impact to Edmonds to be approximately \$211,000; the 2012 budget included approximately \$200,000 from liquor excise tax.

Mr. Hunstock referenced page 147, Expenditures – General Fund – by Department in Summary, explaining the only department that was over budget at the end of the first quarter was Human Resources. This report does not reflect the budget amendment passed by the Council in April 2012. With that budget amendment, the Human Resources Department will no longer be over budget.

Councilmember Buckshnis thanked Mr. Hunstock for his hard work, advising this information will be available on the City's website.

9. MAYOR'S COMMENTS

Mayor Earling had no report.

10. COUNCIL COMMENTS

Councilmember Plunkett asked whether a Council meeting is scheduled on May 29th. Council President Peterson responded there are Council meetings scheduled on May 29 and 30 to interview Council candidates. He will confer with Attorney Carol Morris to determine whether the Findings of Fact will also be on the Council's May 29 agenda.

11. EXECUTIVE SESSION REGARDING POTENTIAL LITIGATION

At 8:54 p.m., Mayor Earling announced that the City Council would meet in executive session regarding potential litigation. He stated that the executive session was scheduled to last approximately 30 minutes and would be held in the Police Training Room, located in the Public Safety Complex. No action was anticipated to occur as a result of meeting in executive session. Elected officials present at the executive session were: Mayor Earling, and Councilmembers Yamamoto, Plunkett, Fraley-Monillas, Buckshnis, Peterson, Petso and Bloom. Others present were City Attorney Jeff Taraday, Attorney Kathy O'Hanlon via telephone, Parks & Recreation Director Carrie Hite, and City Clerk Sandy Chase. At 9:35 p.m., Mayor Earling announced to the public in the Council Chambers that an additional 15 minutes would be required in executive session. The executive session concluded at 9:50 p.m.

Mayor Earling reconvened the regular City Council meeting at 9:52 p.m.

12. ADJOURN

With no further business, the Council meeting was adjourned at 9:53 p.m.